



1642
8923
Patent
Attorney's Docket No. 032360-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kouichi TSUJI et al.

Application No.: 09/350,899

Filed: July 12, 1999

For: HUMAN LUNG ADENOCARCINOMA-
RELATED MONOCLONAL
ANTIBODY AND ANTIGEN AND
IMMUNOASSAY METHOD WHICH
USES THE SAME

) Group Art Unit: 1642

) Examiner: Karen A. Canella

) Confirmation No.: 8923

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**REQUEST FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT - NO ABANDONMENT IN FACT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with M.P.E.P. § 711.03, withdrawal of the holding of abandonment in the above-captioned application is respectfully requested as there is no abandonment in fact. Specifically, the Notice of Abandonment issued on November 26, 2003 states that the application is held abandoned for failure to respond to the Official Action dated April 9, 2003.

[X] However, a reply to that Official Action was timely filed on September 9, 2003. A copy of that reply (i.e., an Amendment and Reply Transmittal Letter, an Amendment and Reply, and a Petition for Extension of Time with a copy of canceled check) is enclosed, as is a copy of a post card receipt date-stamped by the United States Patent and Trademark Office to acknowledge receipt of said reply on said date. This date-stamped post card receipt, which itemizes and properly identifies the papers filed, is *prima facie* evidence of receipt in the United States

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Patent and Trademark Office of all the items listed thereon on the date stamped thereon by the United States Patent and Trademark Office. See M.P.E.P. § 503.

[] However, the communication dated was not received by the undersigned, and a search of the file jacket and docket records indicates that the Office communication was not received. In accordance with M.P.E.P. § 711.03 (c) II, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is attached.

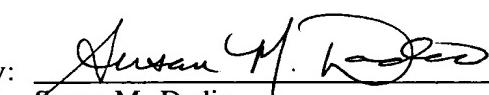
In light of the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

It is believed that no fee is required for consideration of this paper. Should the Office deem otherwise, the Director is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: December 22, 2003

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